

**Appl. No. 09/993,059**  
**Garger et al.**  
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**Examiner: RAMIREZ**

### **Remarks/Arguments**

By the above amendments, the specification has been amended to include the ATCC Accession number referred to on page 22. Further, the ABSTRACT OF THE DISCLOSURE has been amended to correct a typographical error.

Claims 1-30 and 36-66 have been cancelled, and claims 31-35 have been amended in accordance with suggestions and requirements in the Office Action.

### **INFORMATION DISCLOSURE STATEMENT**

Applicant is filing separately a supplemental Information Disclosure Statement to resubmit the references noted in the Office Action.

### **CLAIM OBJECTIONS**

Claims 31-35 have been amended to clarify the recitation of "rGAL-12R" and "GlacNac". Specifically, in claim 31, the term "rGAL-12R" has been replaced with "SEQ ID NO: 18". Since SEQ ID NO: 18 includes at locations 400-423 the entire sequence of SEQ ID NO: 30, recitation regarding SEQ ID NO: 30 has been deleted from claim 31 as being redundant. Similarly, since claims 32-35 now clearly include the limitation of SEQ ID NO: 18, the recitation with regard to rGAL-12R has likewise been deleted as redundant.

As recommended by the Examiner, the first occurrence of the term "GlacNac" in claim 34, is preceded by N-acetylglucosamine.

Withdrawn claims 19-30, 36 and 42-66 have been cancelled (claims 1-18 were previously cancelled).

### **CLAIM REJECTIONS 35 USC § 101**

The claims have been amended to include the word "isolated" as recommended by the Office Action.

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### **CLAIM REJECTIONS 35 USC § 112**

The claims have been amended to include identification of SEQ ID NO: 18, as required in the Office Action.

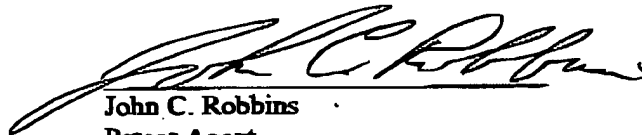
Claims 38-41 have been cancelled as being redundant since the open ended language of claims 31-35 have similar recitations. Open ended claims are to be construed as limited to the specific recitation therein (as with closed ended claims that use the term "consisting of"), but may also be built upon by the addition of newly recited subject matter in further dependent claims. Therefore, independent claim 31 recites only SEQ ID NO: 18, cancelled claim 37 is redundant. Claims 32-35 are similarly construed, making claims 38-41 redundant.

### **DOUBLE PATENTING**

A terminal disclaimer is filed herewith to overcome the double patenting rejection.

Respectfully submitted,

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